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September 7, 2007

Keithi M. Worthington
Stevensville City Attorney
PO Box 30
Stevensville, MT 59870



Re: Stevensville extra-territorial zoning

Dear Ms. Worthington:

I received your letter today containing your thoughts on Stevensville's southern extra-territorial zoning. I appreciate your comments, but unfortunately do not find them persuasive. I agree that it is significant, in looking at the wishes of those in that area, that they originally asked for the zoning to be put in place. I will also acknowledge that generally, more restrictive zoning trumps less restrictive.

However, I cannot see how any of this can overcome the clear mandate of MCA § 76-2-311, that you may only enforce those regulations so long as we do not have subdivision resolutions or zoning. As such, with the attached, I am instructing the Planning Department not to consider the extra-territorial regulations in their sufficiency considerations.

I will acknowledge that I do not believe this to be the "proper" result, nor do I imagine that the promulgators of "1 per 2" intended this result, but I can see no other "legal" result. Should Stevensville seek a declaratory judgment that my opinion is incorrect, I do not believe that Ravalli County would oppose it.

Sincerely,

Alex Beal
Deputy County Attorney

cc: Ravalli County Commissioners ✓
Ravalli County Planning Department